

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSVALDO CABRERA,	:	09 Civ. 3124 (SHS)
	:	
Petitioner,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
WILLIAM D. BROWN, Superintendent of	:	
Eastern Correctional Facility,	:	
	:	
Respondent.	:	

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SIDNEY H. STEIN, U.S. District Judge.

On July 10, 2012, Magistrate Judge Frank Maas issued a Report and Recommendation recommending that Cabrera's habeas petition be denied. Objections to the Report & Recommendation were due on July 27, 2012. To date, no objections have been received by the Court. After a *de novo* review of the July 10, 2012, Report and Recommendation,

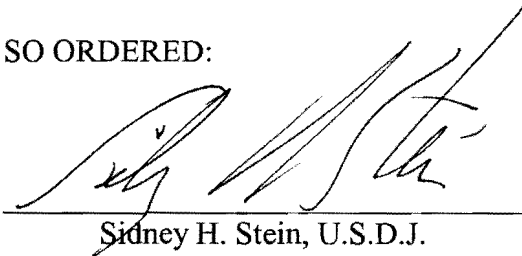
IT IS HEREBY ORDERED that:

1. Magistrate Judge Mass' Report and Recommendation is adopted and the petition is denied;
2. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

3. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: New York, New York
August 10, 2012

SO ORDERED:



Sidney H. Stein, U.S.D.J.